

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CAROL MANDALA	:	CHAPTER 13
Debtor(s)	:	
	:	
JACK N. ZAHAROPOULOS	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
CAROL MANDALA	:	
Respondent(s)	:	CASE NO. 5-21-bk-01867

TRUSTEE’S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 1st day of November, 2021, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor’s plan for the following reason(s):

1. Debtor’s plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, the debtor has excess non-exempt equity in the following:

a. Paragraph 1B of the plan should state the liquidation value of \$97,665.00.

2. The Trustee avers that debtor’s plan is not feasible based upon the following:

- a. The plan is underfunded relative to claims to be paid – 100% plan.
- b. The debtor is unable to make payments under the plan, contrary to § 1325(a)(6). The debtor proposes to fund the plan from \$4,100.00 a month from “family assistance”.
- c. Secured claims not in plan – PA Department of Revenue claim is not provided for.

3. The Trustee provides notice to the Court as to the ineffectiveness of debtor’s Chapter 13 Plan for the following reasons:

- a. Clarification of vesting of property. Because non-exempt equity exists, the plan should provide for vesting at closing. Accordingly, the plan violates § 1325(a)(4).

WHEREFORE, Trustee alleges and avers that debtor's plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 4th day of November, 2021, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Steven Savoia, Esquire
621 Ann Street
P.O. Box 263
Stroudsburg, PA 18360

/s/Deborah A. Behney
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee